

SO ORDERED.



**TIFFANY & BOSCO**  
P.A.

Dated: January 19, 2010

**2525 EAST CAMELBACK ROAD  
SUITE 300  
PHOENIX, ARIZONA 85016  
TELEPHONE: (602) 255-6000  
FACSIMILE: (602) 255-0192**

A handwritten signature in black ink, appearing to read "Redfield T. Baum", is written over a horizontal line.

**REDFIELD T. BAUM, SR  
U.S. Bankruptcy Judge**

Mark S. Bosco  
State Bar No. 010167  
Leonard J. McDonald  
State Bar No. 014228  
Attorneys for Movant

09-50426/0061091815

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE:

Gerald M. McIntyre and Nancy L. McIntyre  
Debtors.

Wells Fargo Bank, N.A.  
Movant,  
vs.

Gerald M. McIntyre and Nancy L. McIntyre,  
Debtors, William E. Pierce, Trustee.

Respondents.

No. 2:09-bk-30337-RTBP

Chapter 7

ORDER

(Related to Docket #11)

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefore,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real  
2 property which is the subject of a Deed of Trust dated November 30, 2005 and recorded in the office of  
3 the Yavapai County Recorder wherein Wells Fargo Bank, N.A. is the current beneficiary and Gerald M.  
4 McIntyre and Nancy L. McIntyre have an interest in, further described as:

5 THE FOLLOWING DESCRIBED PROPERTY IN THE COUNTY OF YAVAPAI, STATE OF  
6 ARIZONA:

7 LOT 43, PRESCOTT COUNTRY CLUB, ACCORDING TO THE PLAT OF RECORD IN  
8 BOOK 13 OF MAPS, PAGE 79, RECORDS OF YAVAPAI COUNTY, ARIZONA.

9 EXCEPT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM, OR  
10 OTHER SUBSTANCES OF A GASEOUS NATURE, COAL METALS, FOSSILS,  
11 FERTILIZER OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL  
12 URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE  
13 DETERMINED BY THE LAWS OF THE UNITED STATES, OR OF THIS STATE, OR  
14 DECISIONS OF COURT, TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF  
15 FISSIONABLE MATERIAL, WHETHER OR NOT OF COMMERCIAL VALUE AND THE  
16 EXCLUSIVE RIGHT THERETO, ON IN OR UNDER THE ABOVE DESCRIBED LANDS,  
17 SHALL BE AND REMAIN AND ARE HEREBY RESERVED IN AND RETAINED BY THE  
18 STATE OF ARIZONA.

19 APN: 402-16-043

20 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written  
21 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance  
22 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement  
23 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against  
24 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

25 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter  
26 to which the Debtor may convert.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
JUDGE OF THE U.S. BANKRUPTCY COURT